(1) (3) Hook

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Pettiton. No. 1935 /2003

PETITIONER:

Smt. Sheela Verma W/o Dr. Chandan lal, aged about 37 years, Occu. Ahvisor Oriental Insurance Company, Residence of Deepupara, Tarbahar Bilaspur. (C.G).

VERSUS:

RESPONDENTS:

: 1 **Chandan Soni S/o Shri. Seetaram Kaushik aged about 30 years, Occu. Driver, Residence at Magarpara behind Ambedkar school Bilaspur (C.G).**

: 2 **Arun Soni S/o Shri. Seetaram Kaushik aged about 32 years, Occu. Driver, Residence at Arya Colony Tifra M/G-3 Bilaspur (C.G).**

: 3 **Yogesh Kaushal S/o Shri. Seetaram Kaushik aged about 25 years, Occu. Student, Residence at Magarpara behind Ambedkar school Bilaspur (C.G).**

: 4 **Kamal Soni S/o Shri. Seetaram Kaushik aged about 38 years, Occu. Agriculture Residence at Magarpara behind Ambedkar school Bilaspur (C.G).**

: 5 **Seetaram Soni S/o Shri. Raghuvir Dayal aged about 76 years, Residence at Arya Colony Tifra M/G-46 Bilaspur (C.G).**

: 6 **Anita Arora W/o Rajendra Arora aged about years, Occu. Housewife Residence at Jeevan Chhaya society F-107-B-Wing Narmada Nagar Bhaindra (E) Mumbai (M.H).**

P. R. No. 1557/03
Presented by Shri Dwarka Singh
dated 18/06/03

RECEIVED COPY
Addl. Govt. Advocate
Bilaspur (C.G.)

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Counsel for Petitioner

25/3/03

11/6/03

H/s.
Adv.

:	7	Santosh Soni S/o Shri. Seetaram Kaushik aged about 33 years, Occu. Driver, Residence at Masanganj near Mishra book depot Bilaspur (C.G).
:	8	Officer Incharge Police Station Tarbahar, Bilaspur (C.G).
:	9	Superintendent of Police Bilaspur Distt. (C.G.).

Writ Petition U/A 226 of the Constitution of India for issuance of Writ of Mandamus/Directions/Orders.

XI-HC-22

(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1935 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: HON'BLE MR. JUSTICE P.C. NAIK,
& HON'BLE MR. JUSTICE FAKHRUDDIN, JJ.

08.07.2003

Smt. Hamida Siddique, counsel for the petitioner.

Shri Ranbir Singh, Govt. Adv. for the State.

Heard.

This writ petition has been filed by the mother of Ku. Aakansha Verma for issuance of an appropriate writ, direction or order commanding the respondents 8 and 9 to trace out the said Ku. Akansha and to restore her to the custody of the petitioner.

According to the petitioner, the respondent no.1 was engaged as a driver but due to his activities, his services were dispensed with. Thereafter, he used to follow the petitioner and her family members and at times was teasing and taunting them for which he was rebuked by her. It is her case that on 25.05.2003 when she had gone out of Bilaspur in connection with her professional work, she received a phone call that her daughter Ku. Aakansha was missing and accordingly, she lodged a report to that effect on 26.05.2003. Since no action was taken on her report, she submitted a representation to the higher authorities vide Annexure

[पीछे देखिये

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

P-2. It is submitted that there was inaction on the part of the authorities the petitioner has been compelled to approach this Court for relief. It is the petitioner's case that respondent no.1 in connivance with respondents 2 to 7 has removed the minor Ku. Aakansha from the lawful custody of the petitioner and kept her in wrongful confinement for which criminal action is liable to be taken against them.

At the time of hearing, it is fairly admitted by the learned counsel for the petitioner that the police authorities were able to trace out the missing girl who has since been handed over and is in custody of the petitioner. In this view of the matter, the relief claimed in this writ petition has become infructuous. However, in view of the statement made by the learned counsel for the petitioner that a F.I.R. was lodged and that during the course of investigation statement of the girl has been recorded by the police authorities implicating respondents 1 to 7, it is directed that respondent no.8 and 9 shall cause the matter to be investigated and to take suitable action against all those who may be found involved in the incident in accordance with the law. It is made

[पीछे देखिये —3—

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(33)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 1935 सन् 2003

विरुद्ध

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clear that the investigation should be conducted by an Officer not below the rank of an Inspector of Police.

With the above observations and directions, the petition stands disposed of. Consequently, M.W.P.No.1750/2003 and I.A. No.5767/2003 also stands disposed of.

Certified copy as per Rules.

Sd/-
P.C.Naik
Judge

Sd/-
Fakhruddin
Judge